

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NATIONAL CITY MORTGAGE CO., )  
v. )  
Plaintiff, ) CIVIL ACTION NO.: 07-C-6380  
v. ) Judge Elaine E. Bucklo  
CREATIVE FINANCIAL SOLUTIONS, LTD.; ) Magistrate Judge Jeffrey Cole  
EUGENE BENNETT; CHARLES WHITE; )  
SHELLY V. ROLLINSON; and TOMMY G. ) PLAINTIFF NATIONAL CITY  
PILILIMIS ) MORTGAGE CO.'S MOTION FOR  
Defendants. ) ENTRY OF JUDGMENT

**MOTION FOR ENTRY OF JUDGMENT**

COMES NOW National City Mortgage Co. d/b/a Accubanc Mortgage Corporation (hereinafter referred to as "Plaintiff" or "National City"), by and through its undersigned counsel of record and requests this court enter judgment against Defendant, Shelly V. Rollinson ("Rollinson"), for failure to answer or otherwise plead. In support of its motion, Plaintiff states as follows:

1. On March 6, 2008, National City filed a Motion for Default Judgment Against Rollinson. Therein, National City demonstrated that it had filed a Complaint and asserted various causes of action against Rollinson for his wrongfully inflated appraisals of real property that secured the following six (6) loans purchased by National City from Defendant Creative Financial Solutions, Ltd. ("Creative Financial"): (1) The Harry Brales Loan; (2) The Pamela Bynum Loan; (3) The Amber Estes Loan; (4) The George Vasili Loan; (5) The Johnny Wilkins Loan; and (6) The Lakinya Woodland Loan (hereinafter referred to collectively as the "Subject

Loans"). National City further demonstrated that Rollinson had failed to answer or otherwise file an appearance in response to National City's Complaint.

2. On March 12, 2008, the court entered default judgment against Rollinson.

3. Due to Rollinson's fraudulent appraisals, National City has suffered a direct injury. Specifically, National City had transferred each of the Subject Loans to various investors. Because of the inflated appraisals, however, National City was required to repurchase the Subject Loans from said investors. After repurchase and because the underlying borrowers had defaulted on the Subject Loans, National City was forced to sell the real property securing said Loans (and fraudulently appraised by Rollinson) at a loss.

4. According to the Affidavit of Ed Gerding, attached hereto as Exhibit "A", National City suffered the following losses on the Subject Loans:

Loans	Total Loss
Harry Brales	\$89,221.44
Pamela Bynum	\$110,219.80
Amber Estes	\$75,578.71
Johnny Wilkins	\$80,360.538
Lakinya Woodland	\$36,609.11
George Vasili	\$153,886.00
<b>Total Loss</b>	<b>\$545,875.59</b>

(Exh. A).

5. Based on the foregoing and the Affidavit of Ed Gerding, National City requests entry of judgment in the amount of \$545,875.59

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff National City respectfully requests this Court to enter judgment in the amount of \$545,875.59.

Respectfully submitted this the 12th day of August, 2009.

NATIONAL CITY BANK

By: /s/ Ryan Taylor  
One of Its Attorneys

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*Attorneys for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

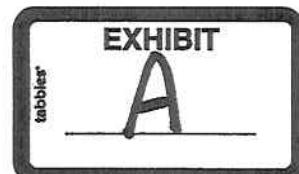
NATIONAL CITY MORTGAGE CO., )  
Plaintiff, ) CIVIL ACTION NO.:  
v. ) 07 C 6380  
CREATIVE FINANCIAL SOLUTIONS, LTD.; ) Judge Elaine E. Bucklo  
EUGENE BENNETT; CHARLES WHITE; ) Magistrate Judge Jeffrey Cole  
SHELLY V. ROLLINSON; and TOMMY G. )  
PILILIMIS ) AFFIDAVIT OF ED GERDING IN  
Defendants. ) SUPPORT OF MOTION FOR ENTRY  
 ) OF JUDGMENT

PERSONALLY APPEARED before the undersigned officer, duly authorized to administer oaths, ED GERDING, who states under oath as follows:

1. I am over the age of nineteen years, and am competent to testify to the matters set forth herein. I am the Vice President and Fraud Operations Manager for the Special Investigations Unit for National City Mortgage Co. ("National City"). I have obtained personal knowledge of the facts set forth in this affidavit by reviewing business records and files kept in the ordinary course of National City's business. I have obtained personal knowledge of the attachments to this affidavit by reviewing said attachments, each of which are business records kept in the ordinary course of business by National City. Moreover, I have personal knowledge of how each of the various attachments to this affidavit is routinely created. All facts set forth below are true to the best of my knowledge.

2. On May 15, 2001, National City and Creative Financial entered into a Loan Purchase Agreement ("Agreement") whereby Creative Financial agreed to sell, and National City agreed to purchase, certain loans secured by real property, together with the servicing thereof.

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3. Pursuant to this Agreement, National City purchased (among others) the following six (6) mortgage loans from Creative Financial: (1) The Harry Brales Loan; (2) The Pamela Bynum Loan; (3) The Amber Estes Loan; (4) The George Vasili Loan; (5) The Johnny Wilkins Loan; and (6) The Lakinya Woodland Loan (hereinafter referred to collectively as the "Subject Loans").

4. Each of the Subject Loans was secured by real property whose value had been appraised by Defendant Shelly V. Rollinson ("Rollinson").

5. After purchasing the Subject Loans from Creative Financial, National City transferred said Loans to various investors.

6. Sometime thereafter, it was discovered that the appraised value of the real property that secured the Subject Loans had been fraudulently inflated. As such, the investors to whom National City had transferred the Subject Loans required that National City repurchase said Loans.

7. Because the underlying borrowers had defaulted on the Subject Loans, National City was forced to sell the real property that secured said Loans (and fraudulently appraised by Rollinson) at a loss.

8. In order to calculate its loss on each Subject Loan, National City examines the liquidation and acquisition expenses incurred on each Loan and subtracts from that total any income or credits that were received in connection with said Loan. Liquidation and acquisitions expenses include items such as the actual unpaid principal balance of the Loan, interest that has accrued on the unpaid balance, taxes, attorney's fees and other expenses. Credits may include the proceeds from the sale of the property, reimbursements from investors, escrow balances and any other revenue received from ownership of the debt. Subtracting the credits from the liquidation

and acquisition expenses provides National City with a "Total Realized Loss" on each Subject Loan.

9. With respect to the Harry Brales Loan, National City had liquidation and acquisition expenses totaling \$237,012.94. National City received \$147,791.50 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$89,221.44 on the Harry Brales loan. (See Exhibit 1, Calculation of Realized Loss (Harry Brales Loan)).

10. With respect to the Pamela Bynum Loan, National City had Liquidation and acquisition expenses totaling \$166,596.61. National City received \$56,376.81 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$110,219.80 on the Pamela Bynum Loan. (See Exhibit 2, Calculation of Realized Loss (Pamela Bynum Loan)).

11. With respect to the Amber Estes Loan, National City had liquidation and acquisition expenses totaling \$128,769.22. National City received \$53,190.51 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$75,578.71 on the Amber Estes Loan. (See Exhibit 3, Calculation of Realized Loss (Amber Estes Loan)).

12. With respect to the Johnny Wilkins Loan, National City had liquidation and acquisition expenses totaling \$123,100.35. National City received \$42,739.82 in credits and revenue from the loan without calculating payment from the primary mortgage insurance proceeds. Therefore, National City suffered a Total Realized Loss, of \$80,360.53 on the Johnny Wilkins Loan. (See Exhibit 4, Calculation of Realized Loss (Johnny Wilkins Loan)).

13. With respect to the Lakinya Woodland Loan, National City had liquidation and acquisition expenses totaling \$106,249.64. National City received \$69,640.53 in credits and revenue from the loan. Therefore, National City suffered a Total Realized Loss of \$36,609.11 on

the Lakinya Woodland Loan. (See Exhibit 5, Calculation of Realized Loss (Lakinya Woodland Loan)).

14. With respect to the George Vasili Loan, the property that secured the loan has not yet been sold. Therefore, a review appraisal has been used to determine National City's Estimated Loss. The review appraisal on the George Vasili Loan determined that the projected sale price would be \$110,000, far short of the \$196,345.95 that constituted the first principal balance of the loan. After calculating other expenses and credits, National City estimates that the Total Realized Loss on the George Vasili Loan will be \$153,886.00. (See Exhibit 6, Total Estimated Loss).

15. The chart below provides a summary of the loans at issue and the Total Realized Loss incurred by National City for each loan:

Loans	Total Loss
Harry Brales	\$89,221.44
Pamela Bynum	\$110,219.80
Amber Estes	\$75,578.71
Johnny Wilkins	\$80,360.53
Lakinya Woodland	\$36,609.11
George Vasili	\$153,886.00
<b>Total Loss</b>	<b>\$545,875.59</b>

16. Therefore, the total loss suffered by National City due to Rollinson's fraudulent appraisals of the real property securing the Subject Loans is \$545,875.59

FURTHER AFFIANT SAYETH NOT.

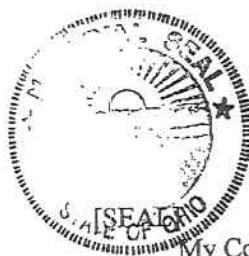
By Ed Gerding, VP  
Ed Gerding, Affiant

STATE OF OHIO )

MONTGOMERY COUNTY )

I, Jennifer A. Vance, a Notary Public in and for said County in said State, hereby certify that Ed Gerding, whose name is signed to the foregoing AFFIDAVIT OF ED GERDING, and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 12<sup>th</sup> day of August, 2009.



JENNIFER A. VANCE, Notary Public  
In and for the State of Ohio  
My Commission Expires Aug 4, 2012

JENNIFER A. VANCE  
NOTARY PUBLIC

My Commission Expires:

**MARKETING LOSS**  
**CALCULATION OF REALIZED LOSS**

Prepared by: Carrie Reed Date: December 1, 2006  
 Phone: 937-910-3969

Servicer Name: NATIONAL CITY MORTGAGE CO.  
 Servicer Address: 3232 NEWMARK DRIVE  
MIAMISBURG, OHIO 45345  
 Servicer Loan No. 1608579  
 Mortgagor(s) Name: Brales, Harry  
 Property Address: 1648 N MENARD AVE  
CHICAGO IL 60639

**Liquidations & Acquisition Expenses:**

Actual Unpaid Principal Balance of Mortgage Loan	\$ 183,571.12
Interest Accrued at Net Rate (UPB x 7.125% interest rate / 365 days/yr x 531 days)	\$ 19,027.90
Attorney's Fees	\$ 2,600.44
Taxes	\$ 899.40
Property Maintenance	\$ -
MI Insurance Premiums	\$ 722.46
Hazard Insurance Premiums	\$ 5,611.00
Hazard Loss Expenses	\$ -
Other (itemize)	\$ -
BPO/Appraisal	\$ -
Property Inspections	\$ 52.32
Other (itemize)	\$ -
Makewhole paid to prior investor (includes expenses)	\$ 24,528.30
Total Expenses:	\$ 237,012.94

**Credits:**

Escrow Balance	\$ 815.07
Hazard Insurance Premium Refund	\$ -
Rental Receipts	\$ -
Hazard Loss Proceeds	\$ -
Primary Mortgage Insurance Proceeds	\$ -
Pool Insurance Proceeds	\$ -
Proceeds frm Sale of Acquired Prop	\$ 139,770.00
MI Rescission Funds	\$ 2,408.20
Other (itemize)	\$ -
Other (itemize)	\$ -
Reimbursement from Investor for advances prior to makewhole	\$ 4,798.23
Total Credits:	\$ 147,791.50

Total Realized Loss	\$89,221.44
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Last Paid Installement Due Date: 10/1/03  
 REO Closing Held: 3/14/05  
 Days from DDLPI to REO Closing: 531

**EXHIBIT**

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Foreclosure Sale Date: 7/27/04

**MARKETING LOSS**  
**CALCULATION OF REALIZED LOSS**

Prepared by: Carrie Reed  
Phone: 937-910-3969

Date: December 1, 2006

Servicer Loan No. 1315540

Servicer Name  
Servicer Address  
NATIONAL CITY MORTGAGE CO.  
3232 NEWMARK DRIVE  
MIAMISBURG, OHIO 45345

Mortgagor(s) Name: Bynum, Pamela  
Property Address: 7230 S PERRY AVE  
CHICAGO IL 60621

**Liquidations & Acquisition Expenses:**

Actual Unpaid Principal Balance of Mortgage Loan	\$ 123,156.63
Interest Accrued at Net Rate (UPB x 7.875% interest rate / 365 days/yr x 765 days)	\$ 20,327.17
Attorney's Fees	\$ 3,132.33
Taxes	\$ 1,770.05
Property Maintenance	\$ 7,117.50
MI Insurance Premiums	\$ 481.68
Hazard Insurance Premiums	\$ 4,955.00
Hazard Loss Expenses	\$ -
Other (itemize)	\$ -
BPO/Appraisal	\$ 350.00
Property Inspections	\$ 120.81
Other (itemize)	\$ -
<u>Makewhole paid to prior Investor (includes expenses)</u>	<u>\$ 5,185.43</u>
<b>Total Expenses:</b>	<b>\$ 166,596.61</b>

**Credits:**

Escrow Balance	\$ 201.96
Hazard Insurance Premium Refund	\$ 1,705.00
Rental Receipts	\$ 1,254.00
Hazard Loss Proceeds	\$ -
Primary Mortgage Insurance Proceeds	\$ -
Pool Insurance Proceeds	\$ -
Proceeds from Sale of Acquired Prop (Price: 55,000.00 - Closing Costs: 6,635.25)	\$ 48,364.75
MI Rescission Funds	\$ 1,043.64
Other (itemize)	\$ -
Other (itemize)	\$ -
Reimbursement from Investor for advances prior to makewhole	\$ 3,807.46
<b>Total Credits:</b>	<b>\$ 56,376.81</b>

Total Realized Loss	\$110,219.80
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Last Paid Installement Due Date: 9/1/02  
REO Closing Held: 10/4/04  
Days from DDLPI to REO Closing: 765



Foreclosure Sale Date: 8/14/03

**MARKETING LOSS**  
**CALCULATION OF REALIZED LOSS**

Prepared by: Carrie Reed  
 Phone: 937-910-3969

Date: November 29, 2006

Servicer Loan No. 2566834

Servicer Name  
 Servicer Address  
 NATIONAL CITY MORTGAGE CO.  
 3232 NEWMARK DRIVE  
 MIAMISBURG, OHIO 45345

Mortgagor(s) Name: Estes, Amber  
 Property Address: 334 W 59TH PL  
CHICAGO IL 60621

**Liquidations & Acquisition Expenses:**

Actual Unpaid Principal Balance of Mortgage Loan

\$ 126,678.67

Interest Accrued at Net Rate (UPB x 6.50% interest rate / 365 days/yr x 60 days)

\$ 1,353.55

Attorney's Fees

\$ 36.50

Taxes

\$ -

Property Maintenance

\$ -

MI Insurance Premiums

\$ -

Hazard Insurance Premiums

\$ -

Hazard Loss Expenses

\$ -

Other (itemize)

\$ -

BPO/Appraisal

\$ -

Property Inspections

\$ -

Utilities

\$ -

**Total Expenses:**

\$ 128,769.22

**Credits:**

Escrow Balance

\$ 1,822.88

Hazard Insurance Premium Refund

\$ -

Rental Receipts

\$ -

Hazard Loss Proceeds

\$ -

Primary Mortgage Insurance Proceeds

\$ 19,594.82

Pool Insurance Proceeds

\$ -

Proceeds frm Sale of Acquired Prop

\$ 31,772.81

MI Rescission Funds

\$ -

Other (itemize)

\$ -

Other (itemize)

\$ -

**Total Credits:**

\$ 53,190.51

**Total Realized Loss**

**\$75,578.71**

Last Paid Installement Due Date: 5/1/05  
 Short Sale Closing Held: 6/29/05  
 Days from DDLPI to Short Sale Closing: 60

**EXHIBIT**

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**MARKETING LOSS**  
**CALCULATION OF REALIZED LOSS**

Prepared by: Brenda Barnett Date: February 20, 2008  
 Phone: 937-910-4722

Servicer Name: NATIONAL CITY MORTGAGE CO.  
 Servicer Address: 3232 NEWMARK DRIVE  
MIAMISBURG, OHIO 45345

Servicer Loan No. 0002225446

Mortgagor(s) Name: JOHNNY WILKINS

Property Address: 12054 S LOWE AV  
CHICAGO IL 60628

Liquidations & Acquisition Expenses:

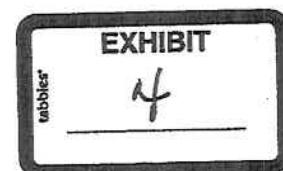
Actual Unpaid Principal Balance of Mortgage Loan	\$ 96,578.85
Interest Accrued at Net Rate (UPB x 6.875% interest rate / 365 days/yr x 814 days)	\$ 14,807.65
Attorney's Fees	\$ 3,416.34
Taxes	\$ 2,104.61
Property Maintenance	\$ 2,908.00
MI Insurance Premiums	\$ 471.90
Hazard Insurance Premiums	\$ 2,162.00
Hazard Loss Expenses	\$ -
Other (itemize)	\$ -
BPO/Appraisal	\$ 525.00
Property Inspections	\$ 126.00
Other (itemize)	\$ -
<b>Total Expenses:</b>	<b>\$ 123,100.35</b>

Credits:

Escrow Balance	\$ 94.25
Hazard Insurance Premium Refund	\$ 116.00
Rental Receipts	\$ -
Hazard Loss Proceeds	\$ -
Primary Mortgage Insurance Proceeds	\$ 27,882.05
Pool Insurance Proceeds	\$ -
Proceeds from Sale of Acquired Prop (Price: 21,000.00 - Closing Costs: 8,352.48)	\$ 14,647.52
MI Rescission Funds	\$ -
Other (itemize)	\$ -
Other (itemize)	\$ -
<b>Total Credits:</b>	<b>\$ 42,739.82</b>

Total Realized Loss	\$80,360.53
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Last Paid Installement Due Date: 9/1/05  
 REO Closing Held: 11/23/07  
 Days from DDLPI to REO Closing: 814  
 Foreclosure Sale Date: 12/29/06



**MARKETING LOSS**  
**CALCULATION OF REALIZED LOSS**

Prepared by: Carrie Reed  
 Phone: 937-910-3969

Date: June 4, 2007

Servicer Loan No. 1944113

Servicer Name  
 Servicer Address  
 NATIONAL CITY MORTGAGE CO.  
 3232 NEWMARK DRIVE  
 MIAMISBURG, OHIO 45345

Mortgagor(s) Name: Woodland, Lakinya  
 Property Address: 8121 S NORMAL AVE  
CHICAGO IL 60620

**Liquidations & Acquisition Expenses:**

Actual Unpaid Principal Balance of Mortgage Loan	\$ 80,750.00
Interest Accrued at Net Rate (UPB x 7.80% interest rate / 365 days/yr x 609 days)	\$ 10,509.00
Attorney's Fees	\$ 2,925.01
Taxes	\$ 1,186.63
Property Maintenance	\$ 1,265.25
MI Insurance Premiums	\$ 403.74
Hazard Insurance Premiums	\$ -
Hazard Loss Expenses	\$ -
HOA/Condo Dues	\$ 298.00
BPO/Appraisal	\$ 85.00
Property Inspections	\$ 97.35
Other (itemize)	\$ -
Makewhole paid to prior Investor (includes expenses)	\$ 8,729.66
<b>Total Expenses:</b>	<b>\$ 106,249.64</b>

**Credits:**

Escrow Balance	\$ 65.50
Hazard Insurance Premium Refund	\$ -
Rental Receipts	\$ -
Hazard Loss Proceeds	\$ -
Primary Mortgage Insurance Proceeds	\$ -
Pool Insurance Proceeds	\$ -
Proceeds frm Sale of Acquired Prop	\$ 63,480.00
MI Rescission Funds	\$ 672.90
Other (itemize)	\$ -
Other (itemize)	\$ -
Reimbursement from Investor for advances prior to makewhole	\$ 5,422.13
<b>Total Credits:</b>	<b>\$ 69,640.53</b>

Total Realized Loss	\$36,609.11
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Last Paid Installement Due Date: 4/1/03  
 REO Closing Held: 11/29/04  
 Days from DDLPI to REO Closing: 609

**EXHIBIT**

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Foreclosure Sale Date: 2/24/04

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NCM#	MORTGAGOR LAST NAME	NEXT PAYMENT DUE DATE	INT RATE	FIRST PRINCIPAL BALANCE	ACTUAL INT	6-MOS INT	MAX INT	RECOVE R CORP ADVANCE BALANCE	THIRD PARTY RECOV	ACTUAL ADVANCES	PROJ ADVANCES	MAX ADVANCES	EST TTL DEBT	ORI G LTV	MIS M%	EST DEBT AFTER MI
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0002549196 VASILU 04/01/2008 6.375% 196,345.95 17,901.10 6,258.53 24,159.63 10,016.56 1,142.00 0.00 11,158.56 10,222.18 21,300.74 241,886.32 95% 30% 72,556 169,320

National City Confidential

&lt;date&gt;

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PROJ SALE PRICE	SOURCE	EST SALES PRODDS	EST LOSS WINS	EST LOSS W/O INS	Comments
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110,000      Review/Aprr      88,000      81,320      153,886      Estimated Loss<sup>3</sup>

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National City Confidential

<date>